IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No. 826 of 2006
In
Criminal Appeal No.783 of 2003

Krishna Bapu Gavade — Applicant
Vs.
State of Maharashtra — Respondent

Through jail.
Mr.K.V.Saste, APP for State.

CORAM: B.H.MARLAPALLE & R.S. MOHITE, JJ.

February 13, 2007.

P.C.

. This is an application received from jail by one of the appellants in Criminal Appeal No.783 of 2003. In the said appeal the order of conviction and sentence has been challenged.

. The medical certificate annexed to the application indicates that the applicant has been detected HIV Positive. The applicant admits that he is being treated for the same in the Government hospitals at Kolhapur as well as Pune. By this application he prays for being released on bail so that he could take private treatment on his own. He was employed as a Peon in a school prior to his arrest.

. We have no doubt in our minds that for the ailments as detected the private treatment will not only be costly but in fact cannot substitute in any better manner the treatment he is already receiving. We, therefore, do not find any reason to entertain the request made by the applicant. Undoubtedly, the jail authorities must ensure that the applicant receives necessary treatment at the cost of the State and while the applicant is undergoing the sentence pending the appeal.

. We have also noted that Criminal Appeal No.783 of 2003 is ready for final hearing and, therefore, it could be heard and decided in the near future.

. The application is hereby rejected and it is directed that Criminal Appeal No.783 of 2003 be added in the present final hearing board at its appropriate place.

(R.S.MOHITE,J.) (B.H.MARLAPALLE,J.)